

ASSEMBLY BILL NO. 184—ASSEMBLYMEN
FRIERSON AND BENITEZ-THOMPSON

MARCH 4, 2021

Referred to Committee on Government Affairs

SUMMARY—Temporarily creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor. (BDR 18-213)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to small businesses; temporarily creating the Office of Small Business Advocacy within the Office of the Lieutenant Governor; setting forth the powers and duties of the Office of Small Business Advocacy; authorizing the Office of Small Business Advocacy to accept gifts, grants and contributions; providing that the records of the Office of Small Business Advocacy are confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law requires the Lieutenant Governor to perform certain duties relating to economic development. (NRS 231.033) **Section 8** of this bill creates the Office of Small Business Advocacy within the Office of the Lieutenant Governor and authorizes state agencies to cooperate with and assist the Office of Small Business Advocacy. **Section 8** authorizes the Lieutenant Governor to employ any necessary personnel within the limits of money available other than from the State General Fund for this purpose. **Section 9** of this bill requires the Office of Small Business Advocacy to provide certain information to small businesses and to coordinate with certain state agencies and local governments to facilitate interactions between such entities and small businesses. **Section 10** of this bill requires the Office of Small Business Advocacy to: (1) receive, review and attempt to resolve a complaint from a small business; (2) compile and analyze data on such complaints; (3) assist small businesses to understand their rights and responsibilities; (4) provide certain information regarding small businesses to the public, governmental agencies and the Legislature; (5) analyze, monitor and make recommendations concerning laws, regulations and policies relating to small businesses; and (6) disseminate certain information to small businesses. **Section 11** of this bill authorizes, with certain



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exceptions, the Office of Small Business Advocacy to review a request for assistance made by a small business regarding an interaction with a state agency. **Section 12** of this bill prescribes the protocol for the Office of Small Business Advocacy to follow when it receives a request for assistance from a small business. **Section 13** of this bill authorizes the Office of Small Business Advocacy to establish and maintain an education course for small businesses. **Section 14** of this bill: (1) creates the Account for Small Business Advocacy in the State General Fund; (2) authorizes the Office of Small Business Advocacy to accept gifts, grants and contributions for deposit in the Account; and (3) requires that money in the Account only be used to carry out the provisions governing the Office and to defray expenses incurred by the Office in the discharge of its duties. **Section 15** of this bill requires the Lieutenant Governor to report to the Legislature concerning the activities and effectiveness of the Office of Small Business Advocacy. **Sections 16 and 18** of this bill provide that the records, files and communications of the Office of Small Business Advocacy are confidential and are not public records. **Section 20** of this bill provides that the provisions of this bill expire by limitation on June 30, 2023.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 224 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 17, inclusive, of this act.

Sec. 2. *As used in sections 2 to 17, inclusive, of this act, unless the context otherwise requires, the words and terms defined in sections 3 to 7, inclusive, of this act have the meanings ascribed to them in those sections.*

Sec. 3. *“Business” means any corporation, partnership, company, cooperative, sole proprietorship or other legal entity organized or operating for pecuniary or nonpecuniary gain.*

Sec. 4. *“Local government” means a political subdivision of the State, including, without limitation, a county, city, irrigation district, water district or water conservancy district.*

Sec. 5. *“Office of Small Business Advocacy” means the Office of Small Business Advocacy created by section 8 of this act within the Office of the Lieutenant Governor.*

Sec. 6. *“Small business” means a prospective, new or established business with not more than 100 employees that is or will be located in this State.*

Sec. 7. *“State agency” means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the State Government.*

Sec. 8. 1. *The Office of Small Business Advocacy is hereby created within the Office of the Lieutenant Governor.*

2. *The Lieutenant Governor may, within the limits of money available other than from the State General Fund for such*



1 *purpose, employ such personnel as are necessary to perform the*
2 *functions and duties of the Office of Small Business Advocacy set*
3 *forth in sections 2 to 17, inclusive, of this act. To be employed by*
4 *the Lieutenant Governor pursuant to this section, a person must*
5 *have the necessary training and experience to perform the duties*
6 *for which he or she is hired. An employee of the Office of Small*
7 *Business Advocacy is in the unclassified service of the State and*
8 *serves at the pleasure of the Lieutenant Governor.*

9 3. A state agency may cooperate with and assist the Office of
10 Small Business Advocacy in the performance of its duties and
11 functions.

12 **Sec. 9. The Office of Small Business Advocacy shall:**

13 1. Refer a small business with an inquiry relating to any
14 aspect of starting, operating or winding up a small business to an
15 appropriate resource to assist the small business;

16 2. Work with small businesses and local governments to:

17 (a) Facilitate interactions between a small business and a local
18 government, including, without limitation, resolving issues that
19 arise in the administrative, regulatory and enforcement functions
20 of the local government with respect to small businesses; and

21 (b) Identify and recommend any improvement to the processes
22 and functions of local governments with respect to interactions
23 between small businesses and local governments, including,
24 without limitation, by conducting general studies, holding
25 conferences and meetings and making inquiries;

26 3. Assist state agencies with regulatory authority over small
27 businesses to ensure a small business is able to provide comment
28 or feedback on any interaction the small business has with a state
29 agency; and

30 4. Coordinate with state agencies to:

31 (a) Facilitate interactions between small businesses and state
32 agencies;

33 (b) Develop processes that ensure a small business receives a
34 timely response to any inquiry or request made to a state agency;

35 (c) Resolve issues that arise in the administrative, regulatory
36 or enforcement functions of a state agency with respect to small
37 businesses; and

38 (d) Identify and recommend efficient, responsive and
39 nonretaliatory procedures for:

40 (1) Receiving comments or feedback from a small business
41 regarding an interaction with a state agency;

42 (2) Promoting and facilitating the participation of a small
43 business in general studies, conferences, inquiries and meetings
44 that would improve the function of a state agency with regulatory
45 authority over small businesses;



(3) Identifying causes of unnecessary delays, inconsistencies and inefficient uses of state resources in the administrative, regulatory and enforcement functions of a state agency with respect to small businesses; and

(4) Making recommendations for resolving an issue or dispute that arises from an interaction between a state agency and a small business.

Sec. 10. The Office of Small Business Advocacy shall:

1. Receive, review and attempt to resolve any complaint from a small business.

2. Compile and analyze data on complaints from small businesses.

3. Assist small businesses to understand their rights and responsibilities.

4. Provide information to the public, governmental agencies and the Legislature regarding the problems and concerns of small businesses and make recommendations for resolving those problems and concerns.

5. Analyze and monitor the development and implementation of federal, state and local laws, regulations and policies relating to small businesses and recommend any changes the Office of Small Business Advocacy deems necessary.

6. Disseminate information to small businesses concerning the availability of the Office of Small Business Advocacy to assist small businesses with any concerns relating to small businesses.

7. Take any other actions necessary to fulfill the duties of the Office of Small Business Advocacy as set forth in this section.

Sec. 11. 1. Except as otherwise provided in subsection 2, the Office of Small Business Advocacy may review any request for assistance filed by a small business relating to an interaction with a state agency relating to the small business.

2. The Office of Small Business Advocacy shall not take action on a request for assistance made pursuant to subsection 1 if the Office of Small Business Advocacy determines that:

(a) The person who filed the request for assistance could reasonably be expected to pursue, or is pursuing, an alternative remedy or recourse;

(b) The request for assistance relates to a matter outside the jurisdiction of the Office of Small Business Advocacy;

(c) The request for assistance was not filed in a timely manner, as determined by the Office of Small Business Advocacy;

(d) The person who filed the request for assistance does not have a sufficient personal interest in or is not personally aggrieved or affected by the subject matter of the request;



(e) The request for assistance is trivial, frivolous, vexatious or not made in good faith;

(f) The resources of the Office of Small Business Advocacy are insufficient for adequate review of the request for assistance; or

(g) The request for assistance is the subject of pending litigation, a pending contested case, as defined in NRS 233B.032, a proceeding pursuant to chapter 233B of NRS or an agency action that could result in a contested case proceeding pursuant to chapter 233B of NRS.

3. Not later than 30 days after receipt of a request for assistance made pursuant to subsection 1, the Office of Small Business Advocacy shall notify the person who filed the request whether the Office of Small Business Advocacy will provide assistance to the person.

4. If the Office of Small Business Advocacy undertakes the review of a request for assistance made pursuant to subsection 1, the Office of Small Business Advocacy:

(a) May make recommendations to a state agency for the resolution of the issues set forth in the request for assistance;

(b) May contact and discuss the issues with the administrative head of a state agency, the Governor or a member of the public for the purposes of obtaining the cooperation and assistance of a state agency with the review of the request for assistance;

(c) Shall inform the complainant of the status of the review upon request; and

(d) Shall, upon the conclusion of the review:

(1) Prepare a preliminary report regarding the review, including, without limitation, the conclusion reached by the Office of Small Business Advocacy and recommendations for the resolution of the issues, if any;

(2) Provide any state agency named in the request for assistance with a copy of the preliminary report prepared pursuant to subparagraph (1) indicating that the state agency may, within 15 days, submit to the Office of Small Business Advocacy a comment regarding the report;

(3) Prepare a final report that includes, without limitation, any comment submitted by an agency pursuant to subparagraph (2); and

(4) Provide a copy of the final report to the Lieutenant Governor and the person who filed the request for assistance.

5. A person who files a request for assistance or who participates in a review and investigation is not subject to a penalty, sanction or restriction in connection with the employment of that person, and may not be denied any right, privilege or



benefit because of the request for assistance or because of any review and investigation of such request.

Sec. 12. 1. When the Office of Small Business Advocacy receives a request for assistance from a small business, the Office of Small Business Advocacy shall:

(a) Notify the small business whether the Office of Small Business Advocacy will open a file regarding the issue not later than 30 days after receipt of the request;

(b) Inform the requester of the status of the file upon request; and

(c) Notify the requester when the file is closed.

2. The Office of Small Business Advocacy may compile statistical data regarding requests for assistance and other communications received by the Office of Small Business Advocacy from small businesses.

Sec. 13. The Office of Small Business Advocacy may establish and maintain an education course for small businesses which provides educational presentations and materials regarding small businesses.

Sec. 14. 1. The Account for Small Business Advocacy is hereby created in the State General Fund. The Lieutenant Governor shall administer the Account.

2. The Office of Small Business Advocacy may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons for deposit in the Account.

3. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

4. Any money remaining in the Account at the end of each fiscal year does not revert to the State General Fund, but must be carried forward to the next fiscal year.

5. The money in the Account may only be used to carry out the provisions of sections 2 to 17, inclusive, of this act and to defray expenses incurred by the Office of Small Business Advocacy in the discharge of its duties.

Sec. 15. On or before February 1 of each odd-numbered year, the Lieutenant Governor shall submit to the Director of the Legislative Counsel Bureau for transmittal to the next regular session of the Legislature a written report concerning:

1. The implementation of sections 2 to 17, inclusive, of this act; and

2. The overall effectiveness of the Office of Small Business Advocacy.



Sec. 16. *All records, files and communications of the Office of Small Business Advocacy made or received pursuant to sections 2 to 17, inclusive, of this act are confidential and not a public record.*

Sec. 17. *The Lieutenant Governor may adopt any regulations necessary to carry out the provisions of sections 2 to 17, inclusive, of this act.*

Sec. 18. NRS 239.010 is hereby amended to read as follows:

239.010 1. Except as otherwise provided in this section and NRS 1.4683, 1.4687, 1A.110, 3.2203, 41.071, 49.095, 49.293, 62D.420, 62D.440, 62E.516, 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 75A.100, 75A.150, 76.160, 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413, 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345, 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270, 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280, 119A.280, 119A.653, 119A.677, 119B.370, 119B.382, 120A.690, 125.130, 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057, 127.130, 127.140, 127.2817, 128.090, 130.312, 130.712, 136.050, 159.044, 159A.044, 172.075, 172.245, 176.01249, 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801, 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662, 205.4651, 209.392, 209.3923, 209.3925, 209.419, 209.429, 209.521, 211A.140, 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464, 217.475, 218A.350, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350, 226.300, 228.270, 228.450, 228.495, 228.570, 231.069, 231.1473, 233.190, 237.300, 239.0105, 239.0113, 239.014, 239B.030, 239B.040, 239B.050, 239C.140, 239C.210, 239C.230, 239C.250, 239C.270, 239C.420, 240.007, 241.020, 241.030, 241.039, 242.105, 244.264, 244.335, 247.540, 247.550, 247.560, 250.087, 250.130, 250.140, 250.150, 268.095, 268.0978, 268.490, 268.910, 269.174, 271A.105, 281.195, 281.805, 281A.350, 281A.680, 281A.685, 281A.750, 281A.755, 281A.780, 284.4068, 286.110, 286.118, 287.0438, 289.025, 289.080, 289.387, 289.830, 293.4855, 293.5002, 293.503, 293.504, 293.558, 293.5757, 293.870, 293.906, 293.908, 293.910, 293B.135, 293D.510, 331.110, 332.061, 332.351, 333.333, 333.335, 338.070, 338.1379, 338.1593, 338.1725, 338.1727, 348.420, 349.597, 349.775, 353.205, 353A.049, 353A.085, 353A.100, 353C.240, 360.240, 360.247, 360.255, 360.755, 361.044, 361.2242, 361.610, 365.138, 366.160, 368A.180, 370.257, 370.327, 372A.080, 378.290, 378.300, 379.0075, 379.008, 379.1495, 385A.830, 385B.100, 387.626, 387.631, 388.1455, 388.259, 388.501, 388.503, 388.513, 388.750, 388A.247, 388A.249, 391.033, 391.035, 391.0365, 391.120, 391.925, 392.029, 392.147,



1 392.264, 392.271, 392.315, 392.317, 392.325, 392.327, 392.335,
2 392.850, 393.045, 394.167, 394.16975, 394.1698, 394.447, 394.460,
3 394.465, 396.3295, 396.405, 396.525, 396.535, 396.9685,
4 398A.115, 408.3885, 408.3886, 408.3888, 408.5484, 412.153,
5 414.280, 416.070, 422.2749, 422.305, 422A.342, 422A.350,
6 425.400, 427A.1236, 427A.872, 432.028, 432.205, 432B.175,
7 432B.280, 432B.290, 432B.407, 432B.430, 432B.560, 432B.5902,
8 432C.140, 432C.150, 433.534, 433A.360, 437.145, 437.207,
9 439.4941, 439.840, 439.914, 439B.420, 439B.754, 439B.760,
10 440.170, 441A.195, 441A.220, 441A.230, 442.330, 442.395,
11 442.735, 442.774, 445A.665, 445B.570, 445B.7773, 447.345,
12 449.209, 449.245, 449.4315, 449A.112, 450.140, 450B.188,
13 453.164, 453.720, 453A.610, 453A.700, 458.055, 458.280, 459.050,
14 459.3866, 459.555, 459.7056, 459.846, 463.120, 463.15993,
15 463.240, 463.3403, 463.3407, 463.790, 467.1005, 480.535, 480.545,
16 480.935, 480.940, 481.063, 481.091, 481.093, 482.170, 482.5536,
17 483.340, 483.363, 483.575, 483.659, 483.800, 484A.469, 484E.070,
18 485.316, 501.344, 503.452, 522.040, 534A.031, 561.285, 571.160,
19 584.655, 587.877, 598.0964, 598.098, 598A.110, 599B.090,
20 603.070, 603A.210, 604A.303, 604A.710, 612.265, 616B.012,
21 616B.015, 616B.315, 616B.350, 618.341, 618.425, 622.238,
22 622.310, 623.131, 623A.137, 624.110, 624.265, 624.327, 625.425,
23 625A.185, 628.418, 628B.230, 628B.760, 629.047, 629.069,
24 630.133, 630.2673, 630.30665, 630.336, 630A.555, 631.368,
25 632.121, 632.125, 632.3415, 632.405, 633.283, 633.301, 633.4715,
26 633.524, 634.055, 634.214, 634A.185, 635.158, 636.107, 637.085,
27 637B.288, 638.087, 638.089, 639.2485, 639.570, 640.075,
28 640A.220, 640B.730, 640C.580, 640C.600, 640C.620, 640C.745,
29 640C.760, 640D.190, 640E.340, 641.090, 641.221, 641.325,
30 641A.191, 641A.262, 641A.289, 641B.170, 641B.282, 641B.460,
31 641C.760, 641C.800, 642.524, 643.189, 644A.870, 645.180,
32 645.625, 645A.050, 645A.082, 645B.060, 645B.092, 645C.220,
33 645C.225, 645D.130, 645D.135, 645G.510, 645H.320, 645H.330,
34 647.0945, 647.0947, 648.033, 648.197, 649.065, 649.067, 652.228,
35 653.900, 654.110, 656.105, 657A.510, 661.115, 665.130, 665.133,
36 669.275, 669.285, 669A.310, 671.170, 673.450, 673.480, 675.380,
37 676A.340, 676A.370, 677.243, 678A.470, 678C.710, 678C.800,
38 679B.122, 679B.124, 679B.152, 679B.159, 679B.190, 679B.285,
39 679B.690, 680A.270, 681A.440, 681B.260, 681B.410, 681B.540,
40 683A.0873, 685A.077, 686A.289, 686B.170, 686C.306, 687A.110,
41 687A.115, 687C.010, 688C.230, 688C.480, 688C.490, 689A.696,
42 692A.117, 692C.190, 692C.3507, 692C.3536, 692C.3538,
43 692C.354, 692C.420, 693A.480, 693A.615, 696B.550, 696C.120,
44 703.196, 704B.325, 706.1725, 706A.230, 710.159, 711.600, *and*
45 *section 16 of this act*, sections 35, 38 and 41 of chapter 478,



1 Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of
2 Nevada 2013 and unless otherwise declared by law to be
3 confidential, all public books and public records of a governmental
4 entity must be open at all times during office hours to inspection by
5 any person, and may be fully copied or an abstract or memorandum
6 may be prepared from those public books and public records. Any
7 such copies, abstracts or memoranda may be used to supply the
8 general public with copies, abstracts or memoranda of the records or
9 may be used in any other way to the advantage of the governmental
10 entity or of the general public. This section does not supersede or in
11 any manner affect the federal laws governing copyrights or enlarge,
12 diminish or affect in any other manner the rights of a person in any
13 written book or record which is copyrighted pursuant to federal law.

14 2. A governmental entity may not reject a book or record
15 which is copyrighted solely because it is copyrighted.

16 3. A governmental entity that has legal custody or control of a
17 public book or record shall not deny a request made pursuant to
18 subsection 1 to inspect or copy or receive a copy of a public book or
19 record on the basis that the requested public book or record contains
20 information that is confidential if the governmental entity can
21 redact, delete, conceal or separate, including, without limitation,
22 electronically, the confidential information from the information
23 included in the public book or record that is not otherwise
24 confidential.

25 4. If requested, a governmental entity shall provide a copy of a
26 public record in an electronic format by means of an electronic
27 medium. Nothing in this subsection requires a governmental entity
28 to provide a copy of a public record in an electronic format or by
29 means of an electronic medium if:

30 (a) The public record:

31 (1) Was not created or prepared in an electronic format; and

32 (2) Is not available in an electronic format; or

33 (b) Providing the public record in an electronic format or by
34 means of an electronic medium would:

35 (1) Give access to proprietary software; or

36 (2) Require the production of information that is confidential
37 and that cannot be redacted, deleted, concealed or separated from
38 information that is not otherwise confidential.

39 5. An officer, employee or agent of a governmental entity who
40 has legal custody or control of a public record:

41 (a) Shall not refuse to provide a copy of that public record in the
42 medium that is requested because the officer, employee or agent has
43 already prepared or would prefer to provide the copy in a different
44 medium.



(b) Except as otherwise provided in NRS 239.030, shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.

Sec. 19. The provisions of subsection 1 of NRS 218D.380 do not apply to any provision of this act which adds or revises a requirement to submit a report to the Legislature.

Sec. 20. 1. This section becomes effective upon passage and approval.

2. Sections 1 to 19, inclusive, of this act:

(a) Become effective:

(1) Upon passage and approval for the purpose of adopting any regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

(2) On July 1, 2021, for all other purposes.

(b) Expire by limitation on June 30, 2023.

